

Judge Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFREY C. HECKMAN,

Defendant.

No. CR14-0335JLR

ORDER DENYING DEFENDANT'S
REQUEST TO HAVE HIS SECOND
AMENDMENT RIGHTS RESTORED

WHEREAS, Defendant, Jeffrey C. Heckman, was convicted in this case on February 23, 2015, of failing to collect and pay tax, in violation of 26 U.S.C. § 7202;

WHEREAS, Defendant sent a letter to this Court on December 27, 2020, asking that "[his] 2nd amendment rights be reinstated";

WHEREAS, the Court has reviewed that filing, the United States' opposition, and the files in this case;

The Court FINDS that 18 U.S.C. § 922(g)(1) provides that any person convicted of a crime punishable by imprisonment for more than one year is prohibited from possessing firearms;

1 The Court further FINDS that, because the crime of which Defendant was
2 convicted in this case, a violation of 26 U.S.C. § 7202, is punishable by imprisonment for
3 up to five years, Defendant is barred from possessing firearms;

4 The Court further FINDS that 18 U.S.C. § 921(a)(20) provides that “[a]ny
5 conviction . . . for which a person . . . has had his civil rights restored shall not be
6 considered a conviction for purposes of this chapter,” (that is Title 18, Chapter 44 of the
7 United States Code, the chapter that includes 18 U.S.C. § 922(g)(1));

8 The Court further FINDS that 18 U.S.C. §925(c) establishes the procedure by
9 which persons convicted of federal felonies may seek to have their ability to possess
10 firearms restored, and requires that such persons apply to the Attorney General of the
11 United States to do so;

12 The Court further FINDS that *United States v. Bean*, 537 U.S. 71 (2002),
13 precludes a court from acting on a defendant’s request to have firearm rights restored,
14 unless the defendant has applied to the Attorney General’s delegate, the Bureau of
15 Alcohol, Tobacco, Firearms, and Explosives (ATF), and ATF has considered and denied
16 the application;

17 The Court further FINDS that there is no evidence that Defendant has applied to
18 ATF to have his right to possess firearms restored, or that ATF has considered and denied
19 such an application; and

20 The Court further FINDS that Defendant therefore is not entitled to have this
21 Court restore his right to possess firearms. Now, therefore,

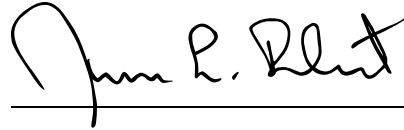
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1 IT IS ORDERED that Defendant's request to have his right to possess firearms
2 restored is denied.

3 DONE: this 22nd day of January, 2021.
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7 The Honorable James L. Robart
8 U.S District Court Judge
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14 Presented by:
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16
17 /s/ Andrew C. Friedman
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19 ANDREW C. FRIEDMAN
20 Assistant United States Attorney
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